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ROTHWELL, FIGG, ERNST &amp; MANBECK

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FEB 06 2004

OFFICIAL

FACSIMILE TRANSMITTAL SHEET

DATE:

February 6, 2004

TO:

Examiner Teresa Wessendorf  
 United States Patent and Trademark Office  
 Telephone No.: (703) 308-3967  
 Fax Nos.: (703) 308-7924 / (703) 872-9306

FROM:

Martha Cassidy

OUR REF:

2661-101

YOUR REF.:

U.S. Application No. 09/852,910

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Number of Pages Including This Transmittal Sheet: 8

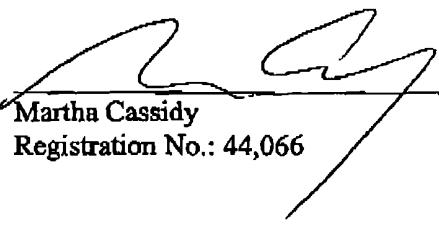
If any problems in connection with this facsimile, please contact: Jennifer Haskins at 202-783-6040.  
 MESSAGE, IF ANY:

We submit herewith a Letter to Examiner and copy of the Office Communication (Detailed Action) mailed January 26, 2004, in the condition as received on January 28, 2004.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this submission is being transmitted by facsimile to (703) 308-7924 for Examiner Teresa D. Wessendorf of the United States Patent and Trademark Office on the date shown below.

February 6, 2004

  
 Martha Cassidy  
 Registration No.: 44,066

Attachments:

Letter to Examiner (1 pg.)

Copy of Office Communication mailed 1/26/04 (6 pgs.)

\*\*\*\*\*  
\*\*\* ERROR TX REPORT \*\*\*  
\*\*\*\*\*

TX FUNCTION WAS NOT COMPLETED

TX/RX NO	0079
CONNECTION TEL	##373608#17033087924#
CONNECTION ID	
ST. TIME	02/06 14:36
USAGE T	00'00
PGS. SENT	0
RESULT	NG #0018 BUSY/NO SIGNAL

## ROTHWELL, FIGG, ERNST &amp; MANBECK

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FACSIMILE TRANSMITTAL SHEET

DATE: February 6, 2004

TO: Examiner Teresa Wessendorf  
United States Patent and Trademark Office  
Telephone No.: (703) 308-3967  
Fax Nos.: (703) 308-7924

FROM: Martha Cassidy

OUR REF: 2661-101

YOUR REF.: U.S. Application No. 09/852,910

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENCY RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICES. THANK YOU.

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MESSAGE, IF ANY:

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(Detailed Action) mailed January 26, 2004, in the condition as received on January 28, 2004.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/852,910  
Applicant : Annette GILCHRIST et al.  
Filed : May 11, 2001  
TC/A.U. : 1639  
Examiner : Teresa D. Wessendorf  
  
Docket No. : 2661-101  
Customer No. : 06449  
Confirmation No. : 4758

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LETTER TO EXAMINER

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Examiner Wessendorf:

Applicants are in receipt of the Detailed Action mailed January 26, 2004 notifying Applicants of an error in the Sequence Listing filed October 14, 2003. The Action refers to an attached CRF Diskette Problem Report and Raw Sequence Listing Error Report, however such Reports were not attached, although Applicants are requested to return a copy of the report with the reply. Furthermore, no specific errors are noted.

Applicants request that the Office reissue the Detailed Action, attach the referenced Reports and provide a new mailing date from which the deadline for response is calculated so that Applicants will have an opportunity to reply.

Respectfully submitted,

By

  
Martha Cassidy  
Attorney for Applicants  
Registration No. 44,066  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 783-6040

2661-109.letter.examiner.wpd



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,910	05/11/2001	Annette Gilchrist	2661-101	4758
6449	7590	01/26/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			WESSENDORF, TERESA D	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			1639	

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED/FACILITIES  
 ROTHWELL FIGG ERNST & MANBECK  
 FILE NO.: 2661-101 16  
 FAC PROG. INIT.

*td* JAN 28 2004

DKT ENTRY INIT: eff/mc  
 SEND TO: eff/mc  
 OK TO FILE:

Application/Control Number: 09/852,910  
Art Unit: 1639

Page 2

**DETAILED ACTION**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem Report. See the attached

**RAW SEQUENCE LISTING**

**ERROR REPORT.**

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. D.

Application/Control Number: 09/852,910  
Art Unit: 1639

Page 3

Wessendorf whose telephone number is (703) 308-3967. The examiner can normally be reached on Flexitime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (703) 306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7924.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

*T. D. W*  
T. D. Wessendorf  
Primary Examiner  
Art Unit 1639

Tdw  
January 21, 2004

**NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT REFERENCES**

**Summary**

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site ([www.USPTO.gov](http://www.USPTO.gov)) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

**Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References**

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

#### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at [eReference@uspto.gov](mailto:eReference@uspto.gov) or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

#### Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

#### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

Date 12/1/03

*Nicholas P. Godici*

Nicholas P. Godici  
Commissioner for Patents

### Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: [http://www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html).

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited